

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	\$	
Condon, Pat et al	\$	
Serial No. 09/467,706	\$	Group Art Unit: 3622
Filed: December 20, 1999	\$	
For: APPARATUS AND METHOD FOR	\$	Examiner: Retta, Yehdega
CONFIGURING COMPUTERS	\$	

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Responsive to the Office Action dated June 13, 2006, please consider the following remarks in connection with the pre-appeal request for review. Review of the final rejection is requested for the following reasons.

The rejection of claims 1, 4, 12-16 and 19 is not supported by a prima facie case of obviousness for claims 1, 4, 12-16 and 19.

Claims 1, 4, 12-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmipragada (US 6,490,493) (Dharmipragada) in view of Kroening et al (US 6,080,207) (Kroening), further in view of Knowles et al (US 6,182,897) (Knowles). A prima facie case of obviousness is missing, however, at least because there is no support for an obviousness rejection of the claimed subject matter as a whole, because Dharmipragada, Kroening and Knowles fail to disclose each element of the claim or suggest missing elements.

Independent claim 1 includes: a manufacturer providing a manufacturer web page unit, a manufacturer office unit and a manufacturer plant; a customer sending a main order for the computer to the office unit via a web page in the web page unit, the customer being required to indicate if a special configuration is desired; passing elements of the main order to a control unit

in the manufacturing plant unit; the control unit controlling manufacturing and supply lines containing a plurality of compatible hardware and selected software components for installation into the computer being manufactured; the customer entering any special configuration details to the web page unit; passing the web page to a modification unit in the office unit; passing the special configuration details to a validation unit in the office unit; the validation unit checking the special configuration details for compatibility with details of the main order; upon validation, sending the special configuration details to the control unit; the control unit detecting any modification details in the main order details and obtaining corresponding configuration details from the modification unit; the control unit checking the configuration details with a factory database for implementation; and the control unit entering appropriate data into the computer being manufactured including entering modification details in appropriate ones of the selected software components which are being installed or have been installed in the computer.

Once the desired configuration has been specified on the Web page 31, the page is passed to a modification unit 37 in the office unit 35. The configuration details in the modification unit are then passed to a validation unit 38, which is also fed with the details of the order from the order unit 36. The validation unit 38 checks for consistency between the order details and the configuration details. The validation unit is also supplied with general information about the current capabilities of the manufacturer, and checks those details for compatibility with the order details and configuration details (block 14).

Once the configuration details have been validated, they are made available to the control unit 46 in the manufacturing plant. This control unit detects any modification flag in the order details coming from the order unit 36 (block 16) and obtains the corresponding configuration details from the unit 37. Next, the control unit checks those details with the factory database to determine how to implement them (block 17). The control unit then enters the appropriate data into the computer 48 being manufactured (block 18). This will normally involve entering the details in the appropriate ones of the software packages which are being or have been loaded from the software supply line 50. The completed computer is then shipped to the customer (block 19).

In Dharmipragada, "If the order is changed prior to beginning manufacturing of the process device, the change order may be implemented. If the order is changed after the

beginning of manufacturing of the process device, the change order is entered into the order database, but the process device will likely be built according to the original order." (col. 6, lines 9-14).

In the invention, the control unit enters appropriate data into the computer being manufactured including entering modification details in appropriate ones of the selected software components which are being installed or have been installed in the computer.

In Kroening, "In block 212, the image builder 20 compares the configuration IDs to the configuration history. If the configuration ID corresponds to a previously configured image, then the image builder 20 looks at whether the image is in a storage device 30, as illustrated in FIG. 1. If the image is found in the storage device 30, then block 224 flags the configuration as ready for delivery and notifies an operator of the computerized network 10 that a desired image is ready. Otherwise, if the image is not found in the storage device 30, the image is created by the image builder 20 according to block 216 as a fresh build. As part of the fresh build process, block 230 requires the image builder 20 to process the bill of materials to determine the parameters for building an image according to the desired software configuration and ensure that they are compatible with the customer's hardware, software and special requirements. The final result or output from block 230 is an image or "digital picture" of the desired software configuration according to the bill of materials.

In the invention, "Once the desired configuration has been specified on the Web page 31, the page is passed to a modification unit 37 in the office unit 35. The configuration details in the modification unit are then passed to a validation unit 38, which is also fed with the details of the order from the order unit 36. The validation unit 38 checks for consistency between the order details and the configuration details. The validation unit is also supplied with general information about the current capabilities of the manufacturer, and check those details for compatibility with the order details and configuration details (block 14).

Knowles teaches a web-enabled system and method for designing and manufacturing laser scanners.

The invention uses the manufacturers web page to place an order for a specially configured computer system.

The fact that a manufacturer web page is utilized in these instances is insufficient to overcome the vast differences between the claimed invention and the combination of references as set forth above.

The invention provides a method of automatically manufacturing a computer. A major difference between the invention and the references involves the handling and implementation of special configuration details.

Other reasons for the patentability of claims 1-4, 12-16 and 19, have been previously presented and will be maintained should the filing of an appeal become necessary.

Respectfully submitted,



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